



## **APPEALS HEARING BOARD AGENDA**

**THURSDAY, MAY 22, 2008**

Evening Session 6:30 p.m.  
Council Chambers, City Hall

200 E. Santa Clara Street  
San Jose, California

---

**Clark Williams, Chair**  
**Karen Parsons, Vice Chair**  
**Calvin Chu      Sonja Etienne**  
**Jose Hernandez      Troy Overton**  
**Susan Ruscigno**

**Joseph Horwedel, Director**  
Planning, Building and Code Enforcement

**Availability of Public Records. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at 170 W. San Carlos Street, at the same time that the public records are distributed or made available to the legislative body.**

## **NOTICE TO THE PUBLIC**

Good evening, my name is Clark Williams and I am the Chair of the Appeals Hearing Board. On behalf of the entire Board, I would like to welcome you to the Appeals Hearing Board meeting of May 22, 2008.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in.

The procedure for this hearing is as follows:

- The Board Secretary will take roll, after the Chair has read the opening remarks. The board will then conduct a vote on the approval of minutes from the meeting of May 8, 2008.
- City staff will present testimony on the City's case for each item.
- After City staff's testimony the property owner or his/her representative will give testimony. Then the Board will hear testimony from other interested parties. All items submitted to the Board will be retained as evidence. We urge witnesses to testify only on those issues raised by the administrative action.
- Board members frequently ask questions. Please try to answer the questions directly.
- After the testimony the public hearing will be closed and the Appeals Hearing Board will take action on the item.
- Copies of the agenda have been placed on the table near the door for your convenience. A complete packet of the documents pertaining to the items on tonight's agenda is available to review on the desk by the Commission Secretary.
- Please turn off cell phones and pagers.

Board Mission Statement: To have a fair and objective hearing to determine violations, encourage compliance, and to hear all appeals delegated by City Council for City Administrative Action by considering all evidence presented and making an appropriate ruling based on Code for the purpose of maintaining and improving the quality of life in San Jose.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Sandy Bouja at 408-277-8428) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

**AGENDA**  
**ORDER OF BUSINESS**  
**6:30 PM SESSION**

1. **ROLL CALL**
2. **OPENING REMARKS AND APPROVAL OF MINUTES**  
Recommendation: Approval of minutes for May 8, 2008.
3. **REQUEST FOR EXCUSED ABSENCE**  
Karen Parsons—May 8, 2008, Excused
4. **PUBLIC HEARINGS CONSENT CALENDAR**

**Notice to the public:** There will be no separate discussion of Consent Calendar hearing items as they are considered to be routine and are adopted in one motion. If any member of the Appeals Hearing Board, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearing Consent Calendar and considered separately.

- a. **29 S. 22<sup>nd</sup> STREET (467-31-044) SUMMARY ABATEMENT**  
(Garry Mcleod, Inspector /Cristina Bautista, Property Owner)  
The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the front door and side window to prevent unlawful entry.
- b. **2378 SUMMER STREET (484-40-012) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Deutsche Bank National Trust, Property Owner)  
The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the broken rear window.

- c. **1490 MEDALLION DRIVE (577-27-024) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / US Bank National Association, Owner)  
The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the gate leading to rear yard swimming pool.
- d. **1749 CRUCERO DRIVE (477-41-014) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Jorge Hurtado, Property Owner)  
The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the rear sliding glass door and rear window.

5. **DEFERRED AND/OR CONTINUED ITEMS**

- a. **654 WILLIS AVENUE (264-22-057) ADMINISTRATIVE REMEDY**  
(Luis Arevalo, Inspector / Saul Roberto Flores, Property Owner)  
The Director of Planning, Building and Code Enforcement requests a hearing to direct the property owner to obtain the necessary permits to legalize or revert back to a single family residence. (Continued from April 10, 2008; Agenda Item 6b and May 8, 2008; Agenda Item 5a).

6. **PUBLIC HEARINGS**

- b. The Finance Department requests adoption of a resolution confirming the Director of Finance's report concerning the delinquent Administrative Penalties and administrative costs for the accounts that have remained unpaid as of May 2, 2008 and direct staff to place a lien against the property to be recorded with the Santa Clara County Recorder's Office.
- c. Public Hearing to adopt a resolution confirming the Director of Finance's report concerning unpaid Abatement Costs for the accounts that have remained unpaid as of May 2, 2008, and directs the Director of Finance to place a Special Assessment against the property secured by a lien against the property with the Santa Clara County Recorder's Office.

7. **OTHER BUSINESS**

8. **ORAL COMMUNICATIONS FROM THE PUBLIC**

9. **ADJOURNMENT**

Next Board Meeting: June 12, 2008